

INVITATION FOR BIDS (IFB) NO. 98-003  
TO  
FURNISH AND DELIVER  
LETTERWINNER AWARD JACKETS  
ON A REQUIREMENTS BASIS  
FOR THE  
ATHLETICS DEPARTMENT  
UNIVERSITY OF HAWAII AT MANOA  
HONOLULU, HAWAII

JULY, 1997

BOARD OF REGENTS  
UNIVERSITY OF HAWAII  
HONOLULU, HAWAII

## TABLE OF CONTENTS

IFB No. 98-003 to Furnish and Deliver Letterwinner Award Jackets on a Requirements Basis for the Athletics Department, University of Hawaii at Manoa, Honolulu, Hawaii

	Pages
Notice to Bidders .....	1
Business Classification Certification Statement .....	1-2
Bid Form .....	1-6
Certification for Tax Clearance .....	1
Technical Specifications .....	1-2
Attachment A .....	1-4
Special Provisions .....	1-5

**IT IS THE RESPONSIBILITY OF ALL BIDDERS TO CHECK THE TABLE OF CONTENTS TO CONFIRM THAT ALL PAGES LISTED THEREIN ARE CONTAINED IN THEIR BID PACKAGE.**

**BIDDER'S REMINDER:**

1. Tax Clearance Certificate or OPRM Form 128, CERTIFICATION FOR TAX CLEARANCE, (see Special Provisions).
2. Substitutions to be approved in advance (see BID pages).

## NOTICE TO BIDDERS

BID FORMS for IFB No. 98-003, Letterwinner Award Jackets, will be available from and received in the OFFICE OF PROCUREMENT, PROPERTY AND RISK MANAGEMENT, UNIVERSITY OF HAWAII, 1400 LOWER CAMPUS ROAD, ROOM 15, HONOLULU, HAWAII 96822, (an unofficial copy of the IFB is available on the Internet at <http://www.state.hi.us/bids/notice01.htm>) and must be submitted no later than 2:30 p.m., July 16, 1997, and at that time will be publicly opened.

Bids received after the time and date fixed for opening will not be considered.

Vendors located outside the Island of Oahu, Hawaii, USA, may request an official copy of the IFB by providing the vendor's name, address, contact person, telephone number, facsimile number, and an account number, billable to the receiver, for express shipment. Requests may be submitted via facsimile, (808) 956-2093. Direct all questions to Bruce Isaacs, (808) 956-8634.

Kenneth P. Mortimer  
President, University of  
Hawaii and Chancellor,  
University of Hawaii at Manoa

Advertised: Honolulu Advertiser  
Issue of: July 3, 1997

NOTICE TO BIDDERS

OPPRM FORM 115

BUSINESS CLASSIFICATION CERTIFICATION STATEMENT

(See Official Document)

BID FORM  
TO  
FURNISH AND DELIVER  
LETTERWINNER AWARD JACKETS  
ON A REQUIREMENTS BASIS

Office of Procurement, Property  
and Risk Management  
University of Hawaii  
1400 Lower Campus Road, Room 15  
Honolulu, Hawaii 96822

To Whom It May Concern:

The undersigned has carefully examined the INVITATION FOR BIDS (IFB) NO. 98-003, TO FURNISH AND DELIVER LETTERWINNER AWARD JACKETS ON A REQUIREMENTS BASIS FOR THE ATHLETICS DEPARTMENT, UNIVERSITY OF HAWAII AT MANOA, HONOLULU, HAWAII, and offers to furnish and deliver the Letterwinner Award Jackets to the Athletics Department, 1337 Lower Campus Road, Room 113, Honolulu, Hawaii 96822, in strict accordance with the true intent and meaning of the Invitation for Bids (IFB) and shall complete delivery within THIRTY (30) consecutive calendar days after receipt of the purchase order, as follows:

BASIC BID

<u>Item</u>	<u>Description</u>	<u>Estimated Quantity</u>	<u>Unit Price</u>	<u>Total Amount</u>
1.	Jackets, Starter Style No. 043, or approved alternate, as per Technical Specifications	100	\$_____	\$_____

**\*\* SUBSTITUTIONS TO BE APPROVED IN ADVANCE \*\***

Manufacturer and Model No. Offered

\_\_\_\_\_

<u>Item</u>	<u>Description</u>	<u>Estimated Quantity</u>	<u>Unit Price</u>	<u>Total Amount</u>
2.	Jackets, Starter Style No. 06440, or approved alternate, as per Technical Specifications	50	\$_____	\$_____

**\*\* SUBSTITUTIONS TO BE APPROVED IN ADVANCE \*\***

Manufacturer and Model No. Offered

**TOTAL AGGREGATE BID FOR ITEMS 1 & 2: \$\_\_\_\_\_**

Prices shall be f.o.b destination and shall include all applicable taxes.

Bidders must bid on both items in order to be considered for award.

Multiple bids shall not be accepted.

TAX LIABILITY

Both out-of-state and Hawaii bidders are advised that the amount bid on this solicitation is subject to the general excise tax (currently 4%) imposed by Chapter 237, Hawaii Revised Statutes (HRS) and, if tangible property is being imported into the State of Hawaii for resale, the use tax (currently 1/2%) imposed by Chapter 238, HRS. (Refer to Tax Clearance in the Special Provisions and Taxes in the General Provisions.) Bidders are therefore cautioned to consider such taxes in formulating their bids since no adjustments to the prices bid shall be allowed.

LICENSED

The successful bidder shall be a licensee of the University of Hawaii to use the indicia on and in conjunction with the marketing, promotion, and sale of the licensed product in the United States and Canada, in accordance with the University of Hawaii Standard Nonexclusive License Agreement. If the successful bidder is not licensed, he/she shall become licensed, prior to the awarding of the contract, by completing the University of Hawaii Licensing Application. An application is provided in this IFB. (See Attachment A). A ONE HUNDRED DOLLAR (\$100.00) application fee will be required.

The SIX AND ONE-HALF PERCENT (6 1/2%) royalty fee of net sales that Licensees are required to pay to the University for all licensed products sold during the term of the license agreement shall be waived for the Letterwinner Award Jackets only.

#### BASIS FOR AWARD

The award of contract, if awarded, shall be made to the lowest responsive and responsible bidder on the **TOTAL AGGREGATE BID**.

#### SUBSTITUTIONS TO BE APPROVED IN ADVANCE

The manufacturer and model number are used in the TECHNICAL SPECIFICATIONS as a measure of quality, style, appearance, and performance.

**Any brand or manufacture of equal or better quality to that specified will be considered for acceptance by the University upon submission of a written request for approval of the proposed substitution with manufacturer's literature or brochures containing technical data on the proposed items being offered, and a sample of the proposed jacket substitution.**

Proposals for substitutions shall not be submitted unless the bidder has the proposed substitution items available for inspection by the University at the time of submittal of the request. Any requests for substitution of items shall be made at least FIVE (5) calendar days prior to bid opening to permit inspection by the University, no later than 4:30 p.m., July 11 1997.

**The written request shall be submitted in the attached sample format "Request for Substitution."**

The statement of variances must list all features of the proposed substitution which differ from the specifications and/or product specified and must further certify that the substitute has no other variant features.

Bidders shall send requests and samples to the buyer, Bruce Isaacs, Office of Procurement, Property and Risk Management, University of Hawaii, 1400 Lower Campus Road, Room 15, Honolulu, Hawaii 96822.

The University may at its discretion reject or deny any substitution that it deems unequal, and the findings in this regard shall be accepted by the bidders as final and binding.

A bid which includes a substitution shall be considered only if the substitution has been approved in advance by the University.

S A M P L E

Date: \_\_\_\_\_

Office of Procurement, Property  
and Risk Management  
University of Hawaii  
1400 Lower Campus Road, Room 15  
Honolulu, Hawaii 96822

Gentlemen:

Subject: REQUEST FOR SUBSTITUTION

Project Title: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In accordance with the "SUBSTITUTIONS TO BE APPROVED IN ADVANCE" clause of the BID section, I hereby submit for substitution **TWO (2) sets of technical brochures, a sample of the proposed jacket substitution and statement of variances** for your review and approval for the item(s) shown below:

<u>ITEM</u>	<u>SPECIFIED BRAND</u>	<u>SUBSTITUTE OR ALTERNATE BRAND</u>	<u>VARIANT FEATURES</u>
-------------	----------------------------	--	-----------------------------

I further certify that my request for substitution of the above item(s) has no other variant features.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

NOTE:     1. PLEASE USE OWN LETTERHEAD.  
          2. IF NO VARIANT FEATURE, INDICATE "NONE."



NOTE TO BIDDERS

An acceptable bid must conform in all material respects to this Invitation for Bids. Any of the following may be grounds for disqualification:

1. Taking exception to any of the specifications, terms or conditions contained in the IFB.
2. Placing conditions on the furnishing of solicited goods or services.
3. Inclusion of a quotation or order form containing additional specifications, terms or conditions.
4. Referencing external documents containing additional specifications, terms or conditions.

Bidders are advised that bids are evaluated as submitted and requests by bidders to delete conditions contained in their bids after bid opening cannot be considered.

In the event that the undersigned is awarded this contract and its remittance address differs from the address shown on the next page, please indicate remittance address below:

---

Street Address or P. O. Box

---

City                  State                  Zip Code

SIGNATURE PAGE  
(See Official Document)

CERTIFICATION FOR TAX CLEARANCE

(See Official Document)

## TECHNICAL SPECIFICATIONS

This section indicates the Technical Specifications for the letterwinner award jackets required. The Technical Specifications listed herein are the minimum requirements and are mandatory for an accepted bid.

ITEM NO. 1: Jackets, Starter Style No. 043, or approved alternate, with the following specifications:

- a) Shall have jet laundered nylon shell.
- b) Shall be Oakland A's/forest green.
- c) Shall have elasticized cuffs and waistband.
- d) Shall have stand-up collar.
- e) Shall have the University of Hawaii logo (FOUR [4] colors plus black) directly embroidered on the left chest. Logo will be provided to the CONTRACTOR at the time of award. Prior to award of contract, bidder shall provide a sample of embroidery work upon request by the University of Hawaii.
- f) Shall have the manufacturer's logo on the left sleeve.
- g) Shall have 1/2 zip front.
- h) Shall have TWO (2) slash opening, front pockets.
- i) Shall be available in sizes small (S) to quadruple extra large (XXXXL).

ITEM NO. 2: Jackets, Starter Style No. 06440, or approved alternate, with the following specifications:

- a) Shall have jet laundered nylon shell.
- b) Shall be lined.
- c) Shall be forest green.
- d) Shall have elasticized cuffs and waistband.
- e) Shall have the University of Hawaii logo (FOUR [4] colors plus black) directly embroidered on the left chest. Logo will be provided to the CONTRACTOR at the time of award. Prior to award of contract, bidder shall provide a sample of embroidery work upon request by the University of Hawaii.
- f) Shall be snap front.
- g) Shall have TWO (2) slash opening, side pockets.
- h) Shall be available in sizes small (S) to quadruple extra large (XXXXL).

All questions pertaining to the Technical Specifications shall be directed to Ms. Karen Sprague, Special Events Coordinator, telephone (808) 956-4322.

Bidders are cautioned to review the Technical Specifications carefully and thoroughly. Objections to or requests for clarification of the specifications shall be made in writing in accordance with the General Provisions to the Office of Procurement, Property and Risk Management prior to the submittal of a bid. The submittal of a bid shall be considered as acceptance of the specifications as published.

ATTACHMENT

(See Official Document)

## SPECIAL PROVISIONS

### 1. SCOPE

The Furnishing and Delivery of Letterwinner Award Jackets on a Requirements Basis for the Athletics Department, University of Hawaii at Manoa, Honolulu, Hawaii, shall be in accordance with the terms and conditions of IFB No. 98-003 and the General Provisions dated February 23, 1996, included by reference. Copies of the General Provisions are available at the Office of Procurement, Property and Risk Management, University of Hawaii, 1400 Lower Campus Road, Room 15, Honolulu, Hawaii 96822 or the General Provisions may be viewed at:  
<http://www.state.hi.us/bids/notice03.htm>

### 2. TECHNICAL REPRESENTATIVE OF THE PROCUREMENT OFFICER (TRPO)

The Technical Representative of the Procurement Officer is Ms. Karen Sprague, Special Events Coordinator, telephone (808) 956-4322.

### 3. BRAND NAME OR EQUAL

The brand name and model number(s) mentioned are used in this specification as a measure of quality and performance. Any brand or manufacture of equal or better quality and performance than that specified will be considered for acceptance by the University. However, the University reserves the right to reject and deny any substitution that it may, in its discretion, deem unequal, and the findings in this regard shall be accepted by the bidder as final and binding.

### 4. DELIVERY

Delivery shall be made no later than THIRTY (30) consecutive calendar days after receipt of purchase order to the Athletics Department, 1337 Lower Campus Road, Room 113, Honolulu, Hawaii 96822. Prior to delivery, Contractor shall contact the Technical Representative to coordinate delivery of the jackets.

### 5. WARRANTY

The jackets furnished shall be new and as specified. The Contractor shall warrant that all workmanship and materials of jackets furnished under this contract shall be guaranteed for the manufacturer's standard warranty from the date of acceptance. The Contractor shall replace and/or repair any defective workmanship and/or materials at no cost to the University during the period of warranty, provided such defects are not due to abuse or negligence on the part of the user.

6. TERM OF CONTRACT

The Contractor shall enter into a contract with the University for an initial period coinciding with the University's academic year, commencing on **September 1, 1997** through **August 31, 1998**, with the unit price(s) bid remaining firm. Thereafter, the contract shall be renewable from year to year, for an additional TWO (2) years, without the necessity of rebidding, upon mutual agreement in writing, NINETY (90) days prior to the annual renewal date. The contract price for each renewal period shall remain the same or lower than the initial bid price or may be adjusted in accordance with Special Provision 7, ESCALATION CLAUSE, of the contract, upon written request of the Contractor. Further, the University may terminate the contract at any time, after the first year, upon NINETY (90) days' prior written notice.

7. ESCALATION CLAUSE

The Contractor shall be allowed to request adjustments to the contract price for each contract renewal period, NINETY (90) days prior to contract renewal date, provided that the contract price for each renewal period shall not increase more than 5% (or) more than the Consumer Price Index for Pacific Cities and U. S. City Average based on All Urban Consumers, U. S. City Average, in effect ONE HUNDRED TWENTY (120) days prior to the renewal date, whichever is less, and provided, further, that the request is made in writing to the University.

8. REQUIREMENTS

This is a requirements contract for the jackets specified in the Bid Form and for the period set forth herein. Delivery shall be made only as authorized by purchase orders issued in accordance with the clause entitled "ORDERING."

The quantities shown in the Bid Form are for bid purposes only and should not be considered firm. In the event that the University's requirements for the jackets do not materialize in the estimated quantities, such event shall not constitute the basis for an equitable price adjustment under this contract. The University reserves the right to order additional quantities or decrease the quantities of each item at the unit prices quoted during the term of the contract.

9. ORDERING

Orders shall be placed by the issuance of purchase orders by authorized individuals of the **Athletics Department** of the University of Hawaii at Manoa twice per year. Purchase orders may be issued under this contract once in the summer or fall, and once in the spring.



All purchase orders issued hereunder shall reference the contract number and shall be subject to the terms and conditions of this contract. This contract shall control in the event of conflict with any purchase order.

When mailed, a purchase order shall be "issued" for purposes of this contract at the time the University deposits the purchase order in the mail.

Purchase orders, when issued, shall specify the following:

- a. Type and number of units.
- b. Delivery location(s).

10. TAX CLEARANCE FOR CONTRACTS

In accordance with Section 103-53, HRS, bidders shall submit with their bid packages, original tax clearances from the State of Hawaii Department of Taxation and the Internal Revenue Service. In the event bidders are unable to obtain a tax clearance by mail in time to include it with their bid packages, bidders may submit a completed OPPRM Form 128, CERTIFICATION FOR TAX CLEARANCE, in place of the DOTAX Form A-6, with their bid packages. However, an original tax clearance must be provided before contract award. Tax clearances obtained shall certify that all tax returns due have been filed, and all taxes, interest, and penalties levied or accrued under the provisions of Title 14 that are administered by the State of Hawaii Department of Taxation and under the Internal Revenue Code against the bidder, have been paid. This shall apply to all contracts, whether with Hawaii bidders, out-of-state bidders, or nonprofit organizations.

This shall not apply to bidders if the State of Hawaii Department of Taxation certifies that the bidder is in good standing under a plan in which delinquent taxes are being paid to the State of Hawaii Department of Taxation (and the Internal Revenue Service, if applicable) in installments.

Offers that are not accompanied by original tax clearances or OPPRM Form 128, CERTIFICATION FOR TAX CLEARANCE, may be considered as non-responsive and may be rejected.

Any questions pertaining to tax clearances may be addressed to the following:

- a. Internal Revenue Service, Compliance Division - LTC  
300 Ala Moana Boulevard, #50089  
Honolulu, Hawaii 96850-4922  
Telephone No.: (808) 541-1160

b. Department of Taxation  
State of Hawaii  
Oahu District Office  
P.O. Box 259  
Honolulu, Hawaii 96808-0259  
Telephone No.: (808) 587-4242  
Toll-Free: 1-800-222-3229

11. TAX CLEARANCE FOR FINAL PAYMENT

General Provision 7.2 entitled Tax Clearance, is hereby deleted and shall be replaced by the following:

TAX CLEARANCE FOR FINAL PAYMENT

In accordance with Section 103-53, HRS, final payment for the settlement of the contract will not be made by the University until the Contractor has submitted to the University original tax clearances from the State of Hawaii Department of Taxation and the Internal Revenue Service. Tax clearance shall certify that all tax returns due have been filed, and all taxes, interest, and penalties levied or accrued under the provisions of Title 14 that are administered by the State of Hawaii Department of Taxation and under the Internal Revenue Code against the Contractor have been paid.

Notwithstanding Sections 40-57 and 40-58, HRS, if a Contractor fails to provide the original tax clearances within SIX (6) months of the notice of final settlement or completion date of the contract, the University shall assign the final settlement payment in an amount not to exceed the tax liability to the State of Hawaii Department of Taxation or Internal Revenue Service, provided that the State of Hawaii Department of Taxation may first offset its tax debt against the sum owed to the Contractor. This shall apply to all contracts whether with Hawaii vendors, out-of-state vendors, or nonprofit organizations.

The foregoing shall not apply to the Contractor if the State of Hawaii Department of Taxation certifies that the Contractor is in good standing under a plan in which delinquent taxes are being paid to the State of Hawaii Department of Taxation (and the Internal Revenue Service, if applicable) in installments.

Any questions pertaining to tax clearances may be addressed to the following:

a. Internal Revenue Service, Compliance Division - LTC  
300 Ala Moana Boulevard, #50089  
Honolulu, Hawaii 96850-4922  
Telephone No.: (808) 541-1160

b. Department of Taxation  
State of Hawaii  
Oahu District Office  
P.O. Box 259  
Honolulu, Hawaii 96808-0259  
Telephone No.: (808) 587-4242  
Toll-Free: 1-800-222-3229